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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,036	01/31/2001	Joseph M. Probst	04645.0558	5492
7590	03/08/2004		EXAMINER	
<b>David L. Principe</b> Hodgson Russ LLP One M&T Plaza, Suite 2000 Buffalo, NY 14203-2391				CANTELMO, GREGG
		ART UNIT		PAPER NUMBER
		1745		

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/773,036	PROBST ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Gregg Cantelmo	1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 December 2003.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 and 10-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 and 10-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Amendment***

1. In response to the amendment received December 18, 2003:
  - a. The prior art rejections of record are withdrawn in light of the further amendments to the independent claims. Such additional limitations were previously unclaimed, therefore permitting finality of this office action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent No. 3,543,227 (Moulin).

Moulin discloses an elongate support member having a plurality of locating holes disposed thereon; and a plurality of electrical contacts, (i.e., current collectors)connected to the support member, wherein each of the current collectors has a thickness defined by an intermediate peripheral edge (i.e., a side edge) meeting with planar first and second major faces, the entire extent of the major faces extending to the peripheral edge being oriented generally parallel with each other and wherein the edge of one current collector is not connected to the peripheral edge of an immediately

Art Unit: 1745

adjacent current collector, and wherein the planar current collectors are “separable” from the support member with an active material being “contactable” to the first and second major faces to provide an electrode for an electrochemical cell or capacitor (marked up Fig. 4 provided herein as applied to claims 1, 5 and 11). Further the support member is “capable” of being oriented with respect to a tool registerable with the datum (as applied to claim 5). Further the metal member is plated with gold (col. 4, ll. 36-38 as applied to claim 11).

Although the prior art does not explicitly disclose that the contact members are current collectors, the contact members are metallic as is the current collectors and thus are held to be of a material which is held to be representative as a current collector. The claims lack sufficient specificity to differentiate between the current collector of the instant claims and contact member of the prior art.

Also with respect to the terms “separable”, “contactable and “registerable”, such limitations have not been accorded significant patentable weight since they are not positive limitations in the claim but only require the ability to so perform. The prior art contact members shown in Fig. 4 are separable from the support member to form discrete contact members (as applied to claims 1, 5 and 11). The prior art further is of a metallic material which can be contactable with additional materials and in fact is further contacted with a plating of gold (as applied to claims 1, 5 and 11). The datum or holes in the support member are used to guide the entire member through a processing tool and thus the processing tool is registerable with the datum or holes in the member (as applied to claim and 5).

Art Unit: 1745

The current collectors are connected to the support member through an external tab extending from the peripheral edge and are separable from the support member (marked-up Fig. 4 as applied to claims 2, 6 and 13).

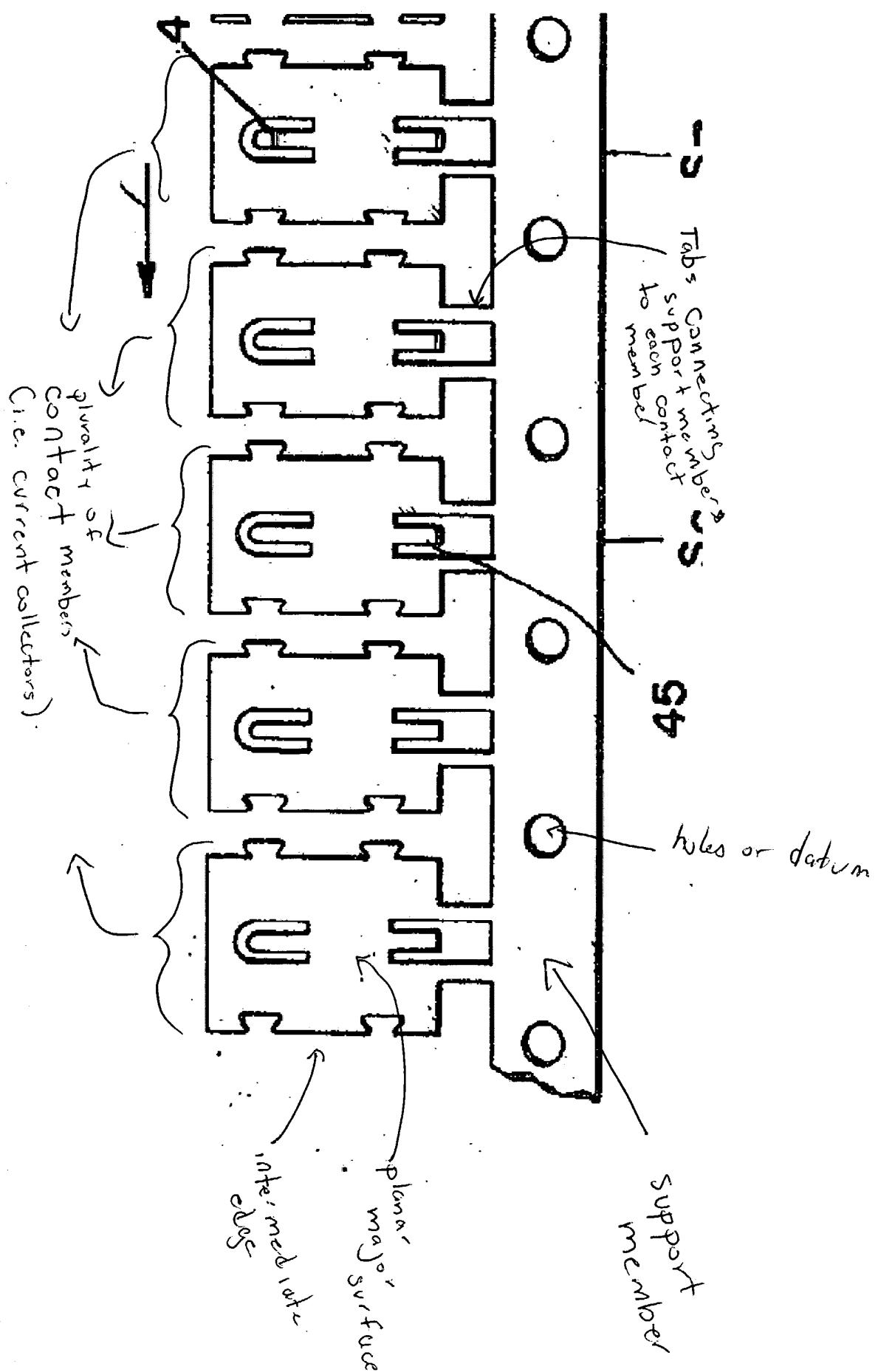
The collectors are spaced apart equidistant from one another and are oriented in the same position relative to the support member (Fig. 4 as applied to claim 3).

The contacts are plated with gold (col. 4, ll. 36-38 as applied to claims 4, 8, 10 and 12).

The external tab connects at a substantially perpendicular orientation with the support member (marked-up Fig. 4 as applied to claim 7).

Marked-up copy of Fig. 4 is provided on the following clean page.

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Guy Cante 2/24/04



***Response to Arguments***

4. Applicant's arguments with respect to claims 1-8 and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

It is held that the prior art of Moulin, as discussed above, anticipates the claimed invention. Therefore the instant claims are not deemed patentable over the prior art of record.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is (571) 272-

Art Unit: 1745

1283. The examiner can normally be reached on Monday to Thursday from 9 a.m. to 6 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. FAXES received after 4 p.m. will not be processed until the following business day. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregg Cantelmo  
Patent Examiner  
Art Unit 1745

gc  
  
February 24, 2004